

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

**IN RE:
FTX CRYPTOCURRENCY EXCHANGE
COLLAPSE LITIGATION**

No. 1:23-md-03076-KMM

MDL No. 3076

This Document Relates To:

*Garrison v. Wasserman Media Group, LLC
and Dentsu McGarry Bowen LLC,*
No. 23-cv-24478-KMM

**DEFENDANT DENTSU MCGARRY BOWEN LLC’S UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO RESPOND TO CLASS ACTION COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), Defendant Dentsu McGarry Bowen LLC (“Dentsu”) hereby moves for an unopposed enlargement of time to respond to the Class Action Complaint (the “Complaint”) filed on behalf of Plaintiffs Edwin Garrison *et al* (“Plaintiffs”) on November 27, 2023, in the above-styled related action (No. 23-cv-24478-KMM) commenced in this Court (the “Related Action”).¹ In support, Dentsu states:

1. On November 27, 2023, Plaintiffs filed their Complaint in the Related Action, along with a Tag-Along Case Receipt noting that the Judicial Panel for Multidistrict Litigation (“JPML”) was notified of the matter’s relatedness to the instant MDL proceedings. (Related Action, ECF Nos. 1, 2).

2. Plaintiffs thereafter effectuated service on Dentsu on November 30, 2023. Pursuant

¹ By filing this procedural motion, Dentsu does not make a general appearance, seek affirmative relief on the merits of this case, consent to this Court’s personal jurisdiction, or waive any rights to assert such a defense for lack of personal jurisdiction or any other defenses pursuant to Federal Rule of Civil Procedure 12, all of which Dentsu expressly reserves. *See, e.g., In re Trasylol Products Liability Litigation*, 2011 WL 5529934, at *2 (S.D. Fla. July 21, 2011).

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to Federal Rule of Civil Procedure 12(a), Dentsu's deadline to respond to the Complaint is December 21, 2023.

3. On December 11, 2023, this Court *sua sponte* entered a paperless Order staying the Related Action, indicating that the matter is a member case in the instant MDL proceedings. (Related Action, ECF No. 6). This Court further instructed the Clerk of the Court to administratively close the Related Action while the claims proceed under the MDL. *See id.*

4. On December 13, 2023, Dentsu's counsel communicated with Plaintiffs' counsel, Adam Moskowitz, Esq. and Joseph Kaye, Esq., to discuss, among other things, this firm's recent engagement in connection with the Related Action and this MDL. Additionally, Dentsu's counsel and Plaintiffs' counsel discussed the procedural posture of these proceedings and the possibility of further amendments to the operative MDL complaint(s) filed in this matter to date.

5. In light of the foregoing, Dentsu's counsel and Plaintiff's counsel agreed to enlarge Dentsu's deadline to respond to the Complaint until and through February 29, 2024, in order to allow Dentsu to adequately investigate and collect any necessary information related to the claims being asserted against it, as well for Plaintiffs to determine whether they will proceed against Dentsu under the Complaint filed in the Related Action or whether Plaintiffs will file an amended MDL pleading consolidating the alleged claims against Dentsu therein.

6. This is Dentsu's first request for an enlargement of time, and good cause supports this unopposed request. *See* Fed. R. Civ. P. 6(b); *Silas v. Sheriff of Broward Cnty., Fla.*, 55 F.4th 872, 877 (11th Cir. 2022) (court may grant extension of time upon showing of good cause pursuant to Rule 6(b)).

7. Specifically, Dentsu respectfully submits that it requires additional time to investigate the factual allegations of the Complaint given this firm's recent engagement, as well as

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the posture and complex nature of these MDL proceedings. Additionally, due to the potential for further amended pleadings that may implicate Dentsu, an enlargement of time will serve to streamline this litigation and prevent unnecessary motion practice, thereby furthering the interests of judicial economy.

8. Undersigned counsel further submits, respectfully, that competing professional obligations in unrelated matters, as well the intervening holidays, also support Dentsu's unopposed request for an enlargement of time to respond to Plaintiffs' Complaint.

9. Undersigned counsel represents to this Court that this Motion is not being interposed for purposes of delay or harassment. Additionally, should the Court grant the relief requested herein, Plaintiffs will not be unduly prejudiced in this action as merits discovery is currently stayed pursuant to this Court's Orders dated August 3, 2023, October 2, 2023, and December 18, 2023 (ECF Nos. 152, 318, 422) pending the conclusion of Defendant Samuel Bankman-Fried's criminal trial in the Southern District of New York currently scheduled to resume in March 2024.

WHEREFORE, Defendant Dentsu McGarry Bowen LLC respectfully requests that this Court enter an Order² granting the instant unopposed Motion and enlarging the time, through and including February 29, 2024, within which to file its response to the Complaint, together with such other and further relief that this Court deems just and proper.

CERTIFICATE OF GOOD FAITH CONFERENCE

Pursuant to Local Rule 7.1(a)(3), undersigned counsel's office, in its capacity as counsel for Dentsu, communicated with Plaintiffs' counsel, Adam Moskowitz, Esq. and Joseph Kaye, Esq.

² Pursuant to Local Rule 7.1(a)(2), a proposed order is attached hereto.

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by telephone regarding the relief requested herein. Plaintiffs' counsel advised that Plaintiffs do not object to the instant Motion.

Dated: December 20, 2023

Respectfully submitted,

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